

PATENT
Attorney Docket No.: 331235-00021

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Gary W. Ramsden

Application No.: 10/696,894

Title: Automated Package Shipping
Machine

Filing Date: October 30, 2003

Group Art Unit: 2841

Examiner: Herewith

CERTIFICATE OF MAILING

I hereby certify that this paper
is being deposited with the United
States Postal Service as first class mail
in an envelope addressed to: Mail Stop
Non-Fee Amendment, Commissioner
for Patents, P.O. Box 1450,
Alexandria, VA 22313-1450 on this
date.

Oct 7, 2004
John S. Paniaguas
John S. Paniaguas
Registration No. 31,051
Attorney for Applicant(s)

Petition to Make Special
(37 CFR §1.102 and MPEP §708.02)

Mail Stop Non-Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Applicant hereby petitions under 37 CFR §1.102 and MPEP §708.02 to make the above-identified application special based on actual infringement of the pending claims in the above-identified patent application. Accompanying this Petition are the following:

- Declaration by John S. Paniaguas in Support of Petition to Make Special Because of Actual Infringement;
- Information Disclosure Statement;
- Form 1449 and a copy of each reference cited therein; and
- Preliminary Amendment
- Petition Fee

10/14/2004 FFANAI02 00000034 10696894

01 EC:1460

130.00 OP

Remarks

In accordance with MPEP §708-02, VIII, Applicant submits the following.

(A) Petition Fee

A check in the amount of \$130.00 as required under 37 CFR §1.17(h) is enclosed. Should it be determined that additional fees are required, the United States Patent and Trademark Office is hereby authorized to charge Deposit Account No. 50-1214 of the undersigned.

(B) Single Invention

All of the claims presented in the above-identified application, as amended by way of a second Preliminary Amendment filed herewith, are directed to a single invention. A copy of the pending claims 77-80 are included with the preliminary amendment.

(C) Pre-Examination Search

The Applicant's attorneys discovered the following patents by way of a search.

| | |
|-----------|------------|
| 4,836,352 | 4,024,380 |
| 4,923,022 | 4,940,887 |
| 4,900,905 | 5,025,386 |
| 5,065,000 | JP-1127087 |

(D) Copies of References

A copy of the non-U.S. patent reference is being submitted with an Information Disclosure Statement filed concurrently herewith.

(E) Summary of the Invention

The present invention relates to an automated shipping machine that includes a scale, an input device for receiving information from a customer, means for receiving payment, a printer for printing a label, and a receipt. Customers place the parcel to be mailed on the scale and enter payment data, for example, by way of a credit card or the like, as well as destination data for the parcel. The machine automatically computes the cost and prints a

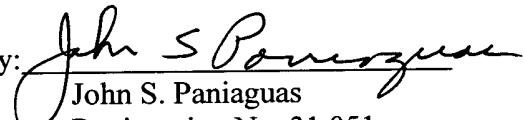
label to be placed on the package. The package is then deposited in a designated receptacle.

In support of the Petition to Make Special, the above-identified application, attached herewith is a Declaration by John S. Paniaguas in Support of Petition to Make Special. It is respectfully submitted that these declarations provide a sufficient showing of infringement as required as MPEP §708.02 II to support a favorable decision to make the above-identified application special.

Conclusion

Applicant respectfully submits that the Petition to Make Special together with the Preliminary Amendment, Information Disclosure Statement, Petition Fee and Declarations satisfy the requirements of 37 CFR §1.102 and MPEP §708.02 to make the above-identified application special. The Commissioner is hereby authorized to charge any additional fees which may be required by this petition to Deposit Account No. 50-1214.

Katten Muchin Zavis Rosenman

By: 
John S. Paniaguas
Registration No. 31,051

Date: October 7, 2004

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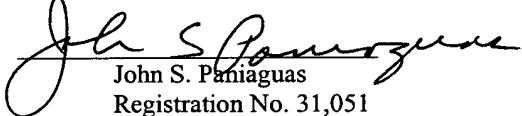
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Oct 7, 2004

Date


John S. Paniaguas
Registration No. 31,051
Attorney for Applicant(s)

Declaration by John S. Paniaguas in Support of
Petition to Make Special
(37 CFR §1.102 and MPEP §708.02)

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I, John S. Paniaguas, Registration Number 31,051, am an attorney of record for the Applicant in the above-identified application and make the following declarations:

1. I prepared and filed a First Preliminary Amendment on October 30, 2003 cancelling claims 1-17 and adding claims 76 and 77. By way of a Second Preliminary Amendment, filed herewith, claim 76 has been cancelled and new claims 78-80 have been added. As such, claims 77-80 are pending and are all directed to a single invention.

2. I have made a comparison of the claims pending in the present application and a third-party machine, currently in use and, in my opinion, at least some of the claims are unquestionably infringed by the third party machine.
3. I have had a search of prior art conducted and have reviewed the references discovered in the search. In my opinion, none of the prior art references disclose an automated shipping machine as recited in the claims at issue. Accordingly, it is my opinion that all pending claims for the above-identified application are allowable over the references of record.
4. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1002 of Title 18 of the United States code, and that such willful false statement may jeopardize the validity of the application or any patent issued thereon.

FURTHER, DECLARANT SAIETH NOT.

IN WITNESS WHEREOF, I have signed, sealed and delivered this Declaration this 7
day of October 2004.


John S. Paniaguas
Registration No. 31,051